

**Subject:** RE: Following Up  
**Date:** Monday, August 23, 2021 at 1:32:31 PM Eastern Daylight Time  
**From:** Quinn,Robert E  
**To:** Edward Krugman  
**CC:** Claudia Wilner, Darius Charney, cezie, Keisha Williams, jjoachim@cov.com, Anjana Malhotra  
**Attachments:** image002.png

Thanks, I'm working on this now and will respond by Wednesday.

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**From:** Edward Krugman [mailto:krugman@nclej.org]  
**Sent:** Monday, August 23, 2021 1:30 PM  
**To:** Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>  
**Cc:** Claudia Wilner <wilner@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; cezie <cezie@ccrjustice.org>; Keisha Williams <kwilliams@wnylc.net>; jjoachim@cov.com; Anjana Malhotra <malhotra@nclej.org>  
**Subject:** Following Up

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Rob

My condolences again, and I hope your time in Florida went as well as it could. Based on your e-mails of 8/12 we had understood we would hear from you by 8/18, but we would understand if your family matters took longer to resolve than expected.

In any event, we need to move this along. Your failure to fulfill your repeated promises to respond in writing to my e-mail of July 20 (now over a month ago!) meant that our conference on August 5 was less productive than it should have been, but it is now time to bring all those issues to closure. Attached to this e-mail is a proposed consent Order that we propose to ask Judge Reiss to enter. To the extent you disagree with anything in the Order, please send us a redline with your proposed changes, no later than COB Wednesday. We currently intend to move on any area where the parties do not agree, but a final decision must, of course, await our review of your redline.

On ESI, you asked questions about one or two custodians but did not object specifically to any of them, and the only specific search terms you questioned were those related to speed cameras and stop receipts. Aside from that, you simply pronounced yourself unpersuaded and said you did not think additional searches were worth the expense. You said you would get back to us with more detail on the expense issue, but you have not done that.

There are a few additional matters that are not covered by the proposed consent order and are addressed here:

1. You told us that Mr. Giammaresi had retired, and you would inquire into whether ECAC has counsel. Do they? In light of Mr. Giammaresi's misrepresentation in ECAC's Rule 45 letter, we intend to move to compel production under the ECAC subpoena of Mr. Giammaresi's e-mails to and from the BPD with respect to his dcjs.state.ny.us e-mail address and any such address that may have been used by Messrs. Wrona or Schellinger or Ms. Billanti. (The consent order addresses their BPD e-mail addresses.)

2. We obviously need to extend the discovery deadline again. Three months from the current deadline will be December 8. Please confirm that we may inform the Court that the request for extension is

on consent.

3. You asked to see the DMV subpoena that we will ask Judge Reiss to order. It is attached (the schedules only; the cover page will have a response date that is 14 days from service). Please let us know whether you consent (and if not, why not).

4. The other to-do for Plaintiffs was to send you examples of the Housing Unit and Strike Force Overtime Reports for you to follow up on. They are attached. I've .pdf'd them for your convenience. Each was produced as a native Excel document attached to an e-mail one Bates number before the indicated number on the file.

I look forward to hearing from you, by COB Wednesday, with either signoff on the consent order or a redline with your proposed changes.



**Edward P. Krugman**

**Senior Attorney (he/him/his)**

**National Center for Law and Economic Justice**

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